

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

HAL C. RANKIN,

Defendant-Appellant.

FILED

JUN 26 1979

hm

79-CR-73

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

BRIAN D. HUNT,

Defendant-Appellant.

Jack C. Silver, Clerk
U. S. DISTRICT COURT

79-CR-74

ORDER

The eloquent prose espoused by the defendants would do justice to the proscenium upon which once trod the tragicodramatic Thespian verbalizing loquaciously of ideas and precepts of dissuasion to the populace in an attempt to obviate the salient points necessary for circumscription or demarcation.

The defendants-appellants stand convicted before the United States Magistrate of violation of 40 U.S.C. §318, et seq. and Title 41 C.F.R. §101-20.304.

This section of C.F.R. provides:

Conduct on property which creates loud or unusual noise; which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by Government employees; or which prevents the general public from obtaining the administrative services provided on the property in a timely manner, is prohibited....

The issue presented on this appeal, as stated by the defendants in their brief is "[T]hat conviction should be overruled since the actions in question did not take place in regard to government employees during the performance of their official duties and since the defendants were acting within their rights as citizens at the time of their arrest."

This misdemeanor charge as to each defendant is an excrescence of the discordancy relative to certain hearings before the Nuclear Regulatory Board, chaired by Mr. Sheldon J. Wolfe, considering the application for a license by the Public Service Company of Oklahoma to construct the Black Fox Nuclear Generating Station, Units 1 and 2.

On February 20, 1979, the dissension between Messrs. Rankin and Hunt and the Nuclear Regulatory Board culminated in the two gentlemen [defendants herein], by means of a metal chain and lock, obstreperously tethering themselves to the brace of one of the swinging doors in a Courtroom located in the United States Courthouse in Tulsa, Oklahoma.

The actions of Messrs. Rankin and Hunt were precipitated by an order by the Board, pursuant to a protective order dated January 5, 1975, that the hearing room was to be cleared of the public and witnesses who had not signed the January 5, 1975, protective order.

The evidence adduced at the non-jury trial of these defendants reveals that while they were not signatory to said order, it was their position that the "closed" meeting was illegal, and, being illegal, the Regulatory Board did not possess the authority of the prerogative to dispossess them from the hearing chamber.

The evidence further shows there were no loud noises or outbursts from these defendants while fettered to the brace of the swinging door, but it was necessary for the United States Marshals to cut the chains loose and remove the defendants, thus abating the hearing from some 10 to 15 minutes. The evidence further shows that while the public was still exiting the hearing chamber, the defendants were affixed to the brace aforementioned.

The defendants' briefs are replete with their philosophical arguments propounding their quintessential political ideology, which the Court finds not efficacious with respect to the ultimate decision of this Court in reviewing the evidence on this appeal from the ruling of the United States Magistrate.

In *Cox v. Louisiana*, 379 U.S. 536, 574 (1965) the Supreme Court commented:

....We reaffirm the repeated holdings of this Court that our constitutional command of free speech and assembly is basic and fundamental and encompasses peaceful social protest, so important to the preservation of the freedoms treasured in a democratic society. We also reaffirm the repeated decisions of this Court that there is no place for violence in a democratic society dedicated to liberty under law, and that the right of peaceful protest does not mean that everyone with opinions or beliefs to express may do so at any time and place. There is a proper time and place for even the most peaceful protest and a plain duty and responsibility on the part of all citizens to obey all valid laws and regulations.... (Emphasis supplied)

The fact, if it be a fact, that the defendants disagree with or consider invalid the particular government business which was then being conducted, could not serve to enlarge the First Amendment rights which they assert. *United States v. Akeson*, 290 F.Supp. 212, 217 (USDC Colo. 1968).

Moreover, the Supreme Court has made it clear in two cases that those wishing to protest against governmental action or propagandize their views do not have a constitutional right to do so whenever and wherever they please. *Adderley v. State of Florida*, 385 U.S. 39, 87 S.Ct. 242, 17 L.Ed.2d 149 (1966); *Cox v. State of Louisiana*, supra.

It is not an affront [as a matter of law] for one to be excluded from a federal hearing under the circumstances here present.


This Court does not find a "chilling" of First Amendment rights as to the instant defendants. Even when governmental property is generally open to the public, reasonable nondiscriminatory regulation is appropriate to prevent interference with the designated and intended governmental use thereof. *United States v. Cassiagnol*, 420 F.2d 868 (4th Cir. 1970), cert.denied 397 U.S. 1044, 90 S.Ct. 1364 (1970).

With the above cases in mind, and cognizant of the fact that defendants do not attack the constitutionality of the regulation here involved, the Court has carefully perused the trial transcript presented with these appeals, and all briefs submitted.

The factual determination of the Magistrate is supported by the evidence, and the Court must affirm the judgment of conviction herein rendered. United States v. Blanket, 491 F.Supp. 15 (USDC WD Okl. 1975); United States v. Pennett, 496 F.2d 293 (10th Cir. 1974); United States v. Tager, 481 F.2d 97 (10th Cir. 1973).

AFFIRMED.

Entered this 26th day of June, 1979.


H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America

vs.

LLOYD BURKE,

Criminal No. 79-CR-31

FILED

JUN 26 1979

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal
Procedure and by leave of court endorsed hereon the United States
Attorney for the Northern District of Oklahoma
hereby dismisses the Information against
(indictment, information, complaint)
Lloyd Burke defendant.

/s/ Kenneth P. Snipe
Asst. United States Attorney

Leave of court is granted for the filing of the foregoing dismissal.

/s/ H. Dale Cook
United States District Judge

Date: 6/26/79

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ROBERT JERRY LEE,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

Nos. 79-C-376-D
76-CR-142-B

FILED

JUN 26 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

This is the third pro se motion pursuant to 28 U.S.C. § 2255 filed by Robert Jerry Lee challenging his conviction on plea of guilty to a one-count indictment charging a Dyer Act in violation of 18 U.S.C. § 2312, and sentence November 3, 1976, to three years imprisonment.

In the prior motions, Movant challenged the jurisdiction of the federal court to convict him because of dual state and federal custody. The motion was overruled by Order dated March 1, 1978, Case No. 77-C-450. In Case No. 78-C-249, Movant contended no crime under 18 U.S.C. § 2312 was committed because he had authority to drive the car he was charged with stealing and transporting across state lines. The motion was overruled by Order dated August 9, 1978. These Orders were affirmed on appeal by the Tenth Circuit Court of Appeals, United States v. Lee, Unreported Nos. 78-1513 and No. 78-1637, respectively, filed February 20, 1979.

In the present motion, Movant presents three contentions: First, his plea was not "totally voluntary" because he was drunk and in no mental condition to think and thus incapable of entering a valid plea of guilty. He further asserts that he had been drunk for over six months prior to his plea, and for the first time in this third § 2255 motion, he claims that he was given whiskey while held in the Rogers County Jail to face both state and federal charges. Second,

Movant contends that no Dyer Act was committed as he was an employee of the Illini Motor Company with lawful possession of the car when it crossed the state line. Third, Movant contends that the sentence imposed was cruel and unusual as he is held nearly two thousand miles from his home and family and he is an alcoholic receiving no treatment for his illness.

Movant's first contention that his plea was involuntary because he was drunk has been previously presented by a motion to withdraw plea of guilty pursuant to Rule 32(d), Federal Rules of Criminal Procedure. The Judge who took the plea and imposed the sentence, the Honorable Allen E. Barrow, deceased, overruled the motion by Order dated July 21, 1978, in which Judge Barrow stated in Part:

"Movant had been in custody, in jail, in an alcohol-free environment from his arrest by police officers in Claremore, Oklahoma, until his appearance in this Court on October 21, 1976, when he entered his plea of guilty to the Federal charge herein. He was at all times before this Court in possession of his faculties and able to understand and respond to the Court's questions. He was alert and gave no indication of dull-wittedness, incoherence or intoxication. Movant's plea of guilty was free, and knowing, it was competently and voluntarily entered in full compliance with Rule 11, Federal Rules of Criminal Procedure, and constitutional safeguards as clearly appears of record and from this Court's memory of the proceedings. . . . Petitioner at sentencing on November 3, 1976, personally advised the Court of his alcoholism and requested that his Federal sentence be run concurrently with his State of Oklahoma sentences."

Movant's motion to withdraw plea of guilty and the Order overruling were before the Tenth Circuit Court of Appeals in the appeal record of the § 2255 denial in Case No. 78-C-249, Appeal No. 78-1513, though not addressed by the appellate court. The prior determination of the allegation based on Judge Barrow's personal knowledge and memory of the plea and sentence should not at this time, almost three years after the conviction, be disturbed on Movant's bald, conclusory allegation, with no factual support as to when, how, and by whom he was given whiskey while in jail from his arrest

October 2, 1976, until his plea to the federal charge on October 21, 1976. See, Martinez v. United States, 344 F.2d 325 (Tenth Cir. 1965).

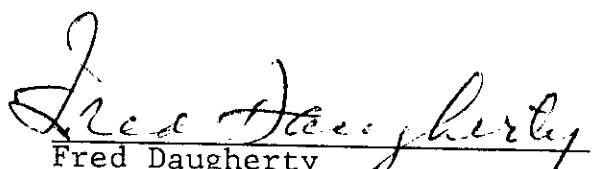
The second contention has also been previously determined adversely to the Movant by Judge Barrow, and that determination affirmed by the Tenth Circuit Court of Appeals. This allegation that no Dyer Act was committed need not again be considered. Sanders v. United States, 373 U.S. 1, 83 S.Ct. 1068, 10 L.Ed.2d 148 (1963); Stephens v. United States, 341 F.2d 101 (Tenth Cir. 1965).

The third contention that the sentence is cruel and unusual is without merit. The sentence imposed was well within statutory limits and is not subject to attack on the ground of severity in a direct appeal or a collateral proceeding. United States v. Winn, 411 F.2d 415, (Tenth Cir. 1969) cert. denied 396 U.S. 919 (1969); Randall v. United States, 324 F.2d 726 (Tenth Cir. 1963). Further, pursuant to 18 U.S.C. § 3568 and § 4082(A), the Attorney General has the exclusive power to designate the place where federal sentences shall be served. Stillwell v. Looney, 207 F.2d 359 (Tenth Cir. 1953); Werntz v. Looney, 208 F.2d 102, 103 n. 2 (Tenth Cir. 1953). If Movant seeks to challenge his institutional treatment rather than the severity of the sentence, that should be done by petition to the United States District Court having jurisdiction over the place of incarceration.

Having reviewed the pending motion and the file, the Court finds that neither response nor hearing is required and the motion is without merit and should be overruled.

IT IS, THEREFORE, ORDERED that the motion pursuant to 28 U.S.C. § 2255 of Robert Jerry Lee be and it is hereby overruled and dismissed.

Dated this 26th day of June, 1979.


Fred Daugherty
United States District Judge

DEFENDANT

HERBERT J. HOBBS

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 79-CR-71-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR 6 22 79

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Charles H. Freeb, Court Appointed

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FILED

JUN 22 1979

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FINDING & JUDGMENT

There being a finding of guilty of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 2312, as charged in the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: ~~The defendant is hereby committed to the custody of the Attorney General for his authorized use and control.~~

The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Five (5) Years from this date.

SPECIAL CONDITIONS OF PROBATION

In addition to the usual conditions of probation, the defendant is to maintain gainful employment, and further he shall be referred to a mental or counseling service to help the defendant make a more enlightened determination as to his future.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

SIGNED BY

U.S. District Judge

H. DALE COOK

U.S. Magistrate

THIS DATE

By

() CLERK

() DEPUTY

Date 6-22-79

DEFENDANT

ERICH HENCKE

DOCKET NO.

79-CR-33-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR
6 22 79

☒ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☐ WITH COUNSEL

(Name of counsel)

PLEA

☒ GUILTY, and the court being satisfied that there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☐ NOT GUILTY

FILED

JUN 22 1979

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FINDING & JUDGMENT

There being a finding of guilty of

☐ NOT GUILTY. Defendant is discharged

☒ GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 26, U.S.C., §7206(1), as charged in Counts 1, 2 and 3 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that ~~the defendant be sentenced to the Federal Reformatory for Women at Alderson, West Virginia for a term of five years.~~

The imposition of sentence in Counts 1, 2 and 3 is hereby suspended and the defendant is placed on probation for a period of Four (4) Years from this date; said probation imposed in Counts 2 and 3 to run concurrently with the probation imposed in Count 1.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

☒ U.S. District Judge

H. DALE COOK

☐ U.S. Magistrate

Date 6-22-79

By

() CLERK

() DEPUTY

DEFENDANT

JAMES LEON DACUS

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 79-CR-63-02

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR 6 15 79

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Frank H. Hagedorn and Fred Cornish, Retained (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FINDING & JUDGMENT

There being a finding of NOT GUILTY. Defendant is discharged. GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., §656 and 2, as charged in the Information.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that the defendant be committed to the custody of the Attorney General or his authorized representative for imprisonment of

The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Two and one-half (2 1/2) Years from this date.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

H. DALE COOK

U.S. Magistrate

Date 6-15-79

By

CLERK

DEPUTY

DEFENDANT

MARY ANN DACUS

DOCKET NO.

79-CR-63-01-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH

DAY

YEAR

6

15

79

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Frank Hagedorn and Fred Cornish, Retained

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., §656 and 2, as charged in the Information.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that

The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Five (5) Years from this date.

SPECIAL CONDITIONS OF PROBATION

In addition to the usual conditions of probation, the defendant is to seek psychological or psychiatric guidance and assistance.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

H. DALE COOK

Date

6-15-79

By

CLERK

DEPUTY

U.S. Magistrate

DEFENDANT

KENNETH EARL McDANIEL a/k/a MIKO

DOCKET NO. 79-CR-50-03-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (5/75)

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH DAY YEAR
6 14 79

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Robert S. Lowery, Court Appointed

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FINDING &
JUDGMENT

There being a finding of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Sections 2 and 495, as charged in Count 2 of the Indictment.

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that:

Count 2 - The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Four (4) Years from this date.

SPECIAL
CONDITIONS
OF
PROBATION

In addition to the usual conditions of probation, the defendant is directed to return to school or to obtain gainful employment.

ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

H. DALE COOK

Date

6-14-79

By

() CLERK

() DEPUTY

U.S. Magistrate

DEFENDANT

MICHAEL CHRISTOPHER KNOTT

DOCKET NO.

79-CR-50-02-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (5/75)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR
6 14 79

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Kenneth L. Stainer, Court Appointed

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FINDING & JUDGMENT

There being a finding of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C.; § 2 and 495, as charged in Count 1 of the Indictment.

The Court finds that at the time of conviction, the defendant was 19 years of age and subject to the Youth Correction Act, but that the defendant does not now need to be incarcerated.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that:

The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Four (4) Years from this date.

SPECIAL CONDITIONS OF PROBATION

In addition to the usual conditions of probation, the defendant is directed to either obtain proper gainful employment or attend some vocational school so that he can learn a trade and support himself.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, It is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

H. DALE COOK

U.S. Magistrate

Date

6-14-79

By

() CLERK

() DEPUTY

United States of America vs.

United States District Court for

DEFENDANT

PABLO MARTINEZ-CRESANTOS

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO.

79-CR-76-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (b/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR
6 11 79

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Eric E. Anderson, Court Appointed

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 8, U.S.C., Section 1326, as charged in the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that:

The imposition of sentence is hereby suspended, and the defendant is placed on probation for a period of Three (3) Years from this date.

SPECIAL CONDITIONS OF PROBATION

In addition to the usual conditions of probation, the defendant is ordered to return or be returned to Mexico, and that he not re-enter the United States again illegally.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

H. DALE COOK

Date

6-11-79

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

DEFENDANT

FERNANDO RIVAS-SAUCEDO

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. ➔

79-CR-66-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

COUNSEL

In the presence of the attorney for the government
the defendant appeared in person on this date ➔

MONTH	DAY	YEAR
6	8	79

☐ WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

Douglas Bishop, Retired

(Name of counsel)

PLEA

☒ GUILTY, and the court being satisfied that
there is a factual basis for the plea,☐ NOLO CONTENDERE,☐ NOT GUILTYFINDING &
JUDGMENTThere being a finding/verdict of { ☐ NOT GUILTY. Defendant is discharged
☒ GUILTY.Defendant has been convicted as charged of the offense(s) of **having violated Title 8, U.S.C.,
Section 1324(a)(2), as charged in the Indictment.****It is the finding of the Court that the defendant is the age of
21 years, subject to the Youth Correction Act, and it is the further
finding of the Court that the defendant would not derive appropriate
benefit from the Youth Correction Act.**SENTENCE
OR
PROBATION
ORDERThe court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: ~~THE COURT ORDERED THAT THE DEFENDANT BE PLACED ON PROBATION FOR A PERIOD OF FOUR (4) YEARS FROM THIS DATE.~~**The imposition of sentence is hereby suspended and the defendant
is placed on probation for a period of Four (4) Years from this date.**SPECIAL
CONDITIONS
OF
PROBATIONADDITIONAL
CONDITIONS
OF
PROBATIONCOMMITMENT
RECOMMEN-
DATION

SIGNED BY

☒ U.S. District Judge☐ U.S. Magistrate

H. DALE COOK

Date

6-8-79

FILED

JUN 8 1979

Jack C. Silver, Clerk
U. S. DISTRICT COURT

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver
a certified copy of this judgment
and commitment to the U.S. Mar-
shal or other qualified officer.

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

DEFENDANT

JOSE MERCEDES MEDRANO-CHAVEZ

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO.

79-CR-82-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH

DAY

YEAR

6

7

79

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Eric E. Anderson, Court Appointed

(Name of counsel)

FILED

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

JUN 7 1979

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., §911, as charged in the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Three (3) Years from this date.

The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Three (3) Years from this date.

SPECIAL CONDITIONS OF PROBATION

In addition to the usual conditions of probation, the defendant is ordered to return to Mexico and is not to re-enter the United States without permission of the proper authorities.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

H. DALE COOK

Date

6-7-79

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY